



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** David Nicholas, et al.

**EXAMINER:** Sarah K Webb

**SERIAL NO.:** 10/037,977

**ART UNIT:** 3731

**FILED:** November 9, 2001

**DOCKET:** 203-589 CIP CON  
FWC CON III

**FOR:** **ARTICULATING ENDOSCOPIC  
SURGICAL APPARATUS**

**DATED:** March 4, 2005

Assistant Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

United States Surgical Corporation, assignee of the entire right, title and interest in and to the above-referenced patent application hereby disclaims the term of any patent issued in this case which would otherwise extend past the expiration date of United States Patent No. 5,383,888 issued on January 24, 1995, and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent No. 5,383,888, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

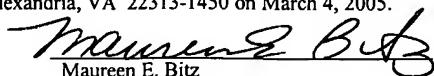
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 4, 2005.

Dated: March 4, 2005

03/08/2005 MAHMED1 0000005 210550 10037977

01 FC:1814

130.00 DA



Maureen E. Bitz

No. 5,383,888 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclosed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

The undersigned, an attorney of record in this application, is empowered to act on behalf of the assignee pursuant to 37 C.F.R. 1.321.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 8 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Please charge the fee in the amount of \$130.00 to Deposit Account No. 21-0550. The Commissioner is authorized to charge any fee deficiencies or credit any overpayment of Deposit Account No. 21-0550 without further authorization. A duplicate copy of this document is attached hereto.

Date: March 4, 2005

By: Christopher G. Trainor  
Christopher G. Trainor  
Attorney for Assignee  
Reg. No. 39,517

CARTER, DeLUCA, FARRELL & SCHMIDT, LLP  
445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526

**Correspondence Address:**

**Chief Patent Counsel  
United States Surgical,  
a Division of Tyco Healthcare Group, LP  
150 Glover Avenue  
Norwalk, CT 06856**